

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

L.F.O.P., et al.,

Plaintiffs,

V.

**ALEJANDRO MAYORKAS, in his capacity
as Secretary of the United States Department
of Homeland Security, et al.**

Defendants.

Case No. 4:21-cv-11556-TSH

NOTICE OF SUPPLEMENTAL AUTHORITY

On March 7, 2022, U.S. Citizenship and Immigration Services (USCIS) announced that, beginning May 6, 2022, USCIS will begin considering certain noncitizens who are classified as Special Immigrant Juveniles (SIJs) for deferred action and employment authorization. *See* Ex. A, USCIS Policy Alert (Mar. 7, 2022) at 1.¹ The new policy will apply to all individuals who are classified as SIJs on, before, or after May 6, 2022. *Id.* at 2.

In its announcement, USCIS recognized that the “ongoing visa number unavailability” has often delayed the protection that Congress intended to afford SIJs through adjustment of status for years, and has left vulnerable populations in limbo. *Id.* at 1. Thus, to protect these individuals who are in limbo—*i.e.*, SIJ-classified individuals who are not yet able to apply for adjustment of status to that of a lawful-permanent resident solely due to unavailable visa numbers—USCIS will consider these individuals for deferred action. *Id.* Deferred action will allow these individuals to apply for employment authorization under 8 C.F.R. § 274a.12(c)(14). *Id.* at 2.

¹ The Policy Alert is also available at <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20220307-SIJAndDeferredAction.pdf>

Plaintiffs challenge USCIS's failure to create an employment-authorization mechanism for SIJs. *See* ECF No. 25 at 20–21. Under the new policy announced on March 7, 2022, the Plaintiffs and proposed class members will be considered for deferred action, and, if granted deferred action,² will become eligible for employment authorization under 8 C.F.R. § 274a.12(c)(14).

Respectfully submitted,

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² USCIS must grant deferred action to have a basis to offer employment authorization according to the regulation.

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

Dated: March 16, 2022

/s/ Katelyn Masetta-Alvarez
KATELYN MASETTA-ALVAREZ